

**STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

PUBLIC NOTICE OF PROPOSED RULE-MAKING

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to adopt the following DCYF rule:

FACILITY CAPACITY

This new rule, in compliance with the federal court order relating to RI Training School residents and the accreditation standards of the American Correctional Association for Juvenile Training Schools and Juvenile Detention Facilities, establishes the bed capacity and procedures for maintaining the resident population at the RI Training School within the parameters set by law.

In the development of this rule, consideration was given to the following: (1) alternative approaches and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This proposed rule is accessible on the R.I. Secretary of State's website (<http://www.sec.state.ri.us/ProposedRules/>) and the DCYF website (<http://www.dcyf.ri.gov>) or available in hard copy upon request (401 528-3685). Interested persons should submit data, views or written comments by April 5, 2010 Susan Bowler, Administrator for Families and Children, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903 (Susan.Bowler@dcyf.ri.gov).

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

Facility Capacity

Rhode Island Department of Children, Youth, and Families
Division of Juvenile Correctional Services: RI Training School

Policy: 1200.0002

Effective Date:

Version: 1

RI General Law (RIGL) 42-72-17.2 provides that the Training School consists of a youth development center, a youth assessment center and a female correctional treatment facility. The youth development center and the youth assessment center have a maximum legal capacity of one hundred and forty eight (148) detained and/or adjudicated males. The female correctional treatment facility has a maximum legal capacity of twelve (12) detained and/or adjudicated females.

Related Procedure

Facility Capacity

Facility Capacity

Procedure from Policy 1200.0002: Facility Capacity

A. Capacity by facility and unit

1. The capacity of the Roosevelt Benton Youth Assessment Center is 52 beds.
2. The capacity of the Youth Development Center is 96 beds.
3. The capacity of the Female Correctional Treatment Facility is 12 beds.
4. Paragraph A is consistent with American Correctional Association (ACA) Standards 3-JTS-2B-03 and 2-JDF-2B-02.

B. If the census approaches ninety-five percent (95 %) of maximum population capacity, the Director of the Department notifies the Chief Judge of the Family Court.

1. The Superintendent or designee refers to the Court for release those juveniles who do not pose a credible risk of harm to self or others or for whom there is no substantial risk that the youth may leave the jurisdiction of the state.
2. Following a hearing, the Family Court authorizes the release of such youth unless the Court finds that the child: poses a substantial risk of harm to self or others or has demonstrated that he or she may leave the jurisdiction of the Court.
3. Any child who has been certified and adjudicated pursuant to 14-1-7.2 and 14-1-7.3 may not be released prior to the end of his sentence, except as authorized under 14-1-42.
4. Paragraph B is consistent with ACA Standards 3-JTS-2B-03, 2-JDF-2B-02, 3-JTS-2B-08 and 3-JDF-2B-06.